

October 7, 2002

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY INSTITUTE (NEI)
REGARDING EARLY SITE PERMIT (ESP) ISSUES

On August 22, 2002, representatives from the Nuclear Energy Institute (NEI) met with the Nuclear Regulatory Commission (NRC) staff. The meeting was requested by NEI in order to discuss issues related to ESP applications and reviews. Representatives from Dominion Generation (Dominion), Exelon Generating Company (Exelon) and Entergy Operations, Inc. (Entergy) were in attendance.

Enclosure 1 is a list of the meeting attendees. NEI provided handouts (Enclosure 2) during the meeting which can be accessed through the Agencywide Documents Access and Management System (ADAMS). This system provides text and image files of NRC's public documents. The handouts mentioned above may be accessed through the ADAMS system under Accession No. ML022590339. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Follow-up Items from the July 16th Meeting

The NEI Early Site Permit Task Force (ESPTF) committed to submit a detailed schedule of activities of the Seismic Demonstration Project prior to the next meeting and invited the staff to participate in future developmental tasks.

Topics for Next Meeting

The NEI ESPTF proposed the following topics to be discussed at the September 25, 2002, meeting:

- ESP-8: Use of a bounding approach for providing fuel cycle and transportation information required by the National Environmental Policy Act (NEPA) (Table S-3 and S-4).
- ESP-10: Use for ESP of relevant findings from 10 CFR 51, Subpart B, Appendix A (License Renewal Generic Environmental Impact Statement (GEIS)).
- ESP-20: Use of existing site/facility information. The staff informed NEI that discussion of Petition for Rulemaking (PRM)-52-1 and associated matters would be prohibited until the completion of the petition process. NEI responded that matters outside of PRM-52-1 would be the subject of the discussion.

ESP-1 (ESP Application Template)

The staff provided a response to NEI via e-mail on August 19, 2002 (See Enclosure 2), to the NEI ESPTF draft document entitled "Standard Table of Contents for Early Site Permit Applications" which was distributed during the July 16, 2002, meeting. After describing the format of the Common Table of Contents (See Enclosure 2), the NEI ESPTF took an action item to develop any further questions for staff consideration for the next meeting which they will transmit 2 weeks prior to the meeting date.

ESP-12 (Severe Accident Mitigation Alternatives [SAMA])

The staff provided a response to NEI via e-mail on August 19, 2002 (See Enclosure 2), to the NEI ESPTF draft document ESP-12 which was distributed during the July 16, 2002, meeting. After some discussion, it was agreed that the staff would seek to perform SAMA analyses depending on the detail of the information available in the ESP application. Therefore, further discussion on this topic will be deferred until the resolution of the plant parameter envelope (PPE) issues by the staff and the NEI ESPTF.

ESP- 6 (Use of a Bounding Plant Parameter Approach) and ESP-7 (Guidance For Satisfying 52.17(a)(1) Requirement for Description and Safety Assessment of the Facility)

The staff provided a response to the NEI ESPTF draft documents ESP-6 and ESP-7. The NEI ESPTF provided a follow-up presentation on the subject issues (See Enclosure 2).

The staff presentation emphasized the following concerns with the use of the PPE approach in ESP applications: (1) Information provided to-date is conceptual and abstract in nature. Specific application or case studies are needed in order to test the bounds of the required staff review effort; (2) For the staff's environmental review the surrogate facility information needs to result in a realistic and realizable construction for staff evaluation; and (3) ESP-6 and ESP-7 proposes to defer disposition of ESP review items until the Combined License (COL) stage. Any future COL action items dilute the value of the ESP.

The ESPTF presentation conveyed the following new points regarding the subject approach: (1) Revised August 21, 2002, Form and Content of an ESP to be granted by the Commission will not specify type of reactor; (2) Applicants will not specify the type of plant (e.g., Pressurized-Water Reactor (PWR), Gas-Cooled Reactor); however, the technical basis used to develop the PPE would be fully disclosed to the staff; (3) The COL action to build one out of three facilities approved by the ESP under the PPE framework for a given site would not reopen the alternative sites' issue if previously closed out in the ESP; (4) ESPTF would accept the business risk associated with the fact that staff approval of the PPE parameters would not imply future approval of those parameters for any design; and (5) ESP terminology and working definitions for Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52 were introduced for future meetings. NEI took an action item to e-mail to the New Reactor Licensing Project Office (NRLPO) ESP Project Manager the revised Form and Contents of an ESP.

The staff and NEI ESPTF agreed that technical examples would be essential for the staff to make a determination on whether the bounding PPE approach could satisfy the staff review requirements associated with 10 CFR Part 50 and 10 CFR Part 100. This topic will continue to be on the agenda of future meetings until a resolution is achieved.

The staff encouraged the ESPTF to make a presentation of their PPE approach to the Advisory Committee for Reactor Safeguards (ACRS). The staff plans to meet with the ACRS in November on the development of an ESP review standard.

Public Comments

A representative from Greenpeace requested staff feedback on the case law which requires that the staff perform a SAMA analysis during the ESP review. The staff took an action item to respond to the questions on this matter at the next meeting. The Greenpeace representative was asked to e-mail the subject questions to the NRLPO ESP Project Manager.

/RA/

Ronaldo V. Jenkins, Senior Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

Enclosures: As stated

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Meeting
With the Nuclear Energy Institute
August 22, 2002

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Other Attendees

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Mike Bourgeois, Entergy
Joe Hegner, Dominion
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Bob Evans, Enercon Services
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